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April 28, 2020

BY ECF

Hon. Stewart D. Aaron, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Agapito, et al. v. Amir Ram Bagels, Inc., et al.
Case No. 18-CV-8079 (ALC) (SDA)

Dear Aaron,

We are counsel to the plaintiffs in the above referenced Fair Labor Standards Act case. Please accept this letter as the parties' joint request that the matter be referred to the Southern District Mediation Program, and that plaintiffs' reply brief in further support of their cross-motion to sever the claims against the non-bankrupt individual defendants be extended to a date ten (10) days following the date of the mediation.

On October 16, 2018, the Court entered a Mediation Referral Order referring this matter to early mediation. However, mediation was deferred as plaintiffs sought to conditionally certify this matter as a collective action pursuant to 29 U.S.C. § 216(b). Shortly after the case was conditionally certified as a collective action (by stipulation), the corporate defendants filed for bankruptcy protection, and all of the defendants collectively moved to refer the action in its entirety to the United States Bankruptcy Court for Eastern District of New York. Plaintiffs cross-moved to sever the claims against the non-bankrupt defendants to allow the matter to proceed against them in this Court. Plaintiffs' reply brief in support of their cross-motion is currently due on May 4, 2020.

The parties now seek to rekindle settlement discussions, and request that the Court again refer the matter to mediation. Additionally, the parties request that the Court defer any decision on the parties' respective motions until the conclusion of mediation. Finally, plaintiffs request – on consent, that they be permitted an extension of time of ten (10) days following the date of mediation (to the extent a settlement is not reached) to file their reply brief.

Hon. Stewart D. Aaron, U.S.M.J.

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We thank the Court for considering this application.

Respectfully submitted,

/s/

Justin Cilenti

cc: All Counsel (by ECF)

ENDORSEMENT: The parties' joint requests are GRANTED. The case shall be referred to mediation by separate Order. In addition, the pending motions (ECF Nos. 42, 47, 57 and 61) are deemed withdrawn and the parties may refile them, along with Plaintiffs' reply brief, ten (10) days following the date of mediation (to the extent a settlement is not reached). SO ORDERED.

Dated: 5/4/2020

